

Services Commission under Chapter 31, Human Resources Code, for administering an employment services program and requiring an applicant or eligible resident to register for work with the Texas Workforce Commission.

(b) The public hospital or hospital district shall notify each person with a pending application and all eligible residents of the requirements of the employment services program not less than 30 days before the program is established.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Passed the Senate on March 21, 2011: Yeas 30, Nays 0; passed the House on May 23, 2011: Yeas 142, Nays 0, one present not voting.

Approved June 17, 2011.

Effective June 17, 2011.

CHAPTER 1207

S.B. No. 332

AN ACT

relating to the ownership of groundwater below the surface of land, the right to produce that groundwater, and the management of groundwater in this state.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 36.002, Water Code, is amended to read as follows:

Sec. 36.002. OWNERSHIP OF GROUNDWATER. *(a) The legislature recognizes that a landowner owns the groundwater below the surface of the landowner's land as real property.*

(b) The groundwater ownership and rights described by this section:

(1) entitle the landowner, including a landowner's lessees, heirs, or assigns, to drill for and produce the groundwater below the surface of real property, subject to Subsection (d), without causing waste or malicious drainage of other property or negligently causing subsidence, but does not entitle a landowner, including a landowner's lessees, heirs, or assigns, to the right to capture a specific amount of groundwater below the surface of that landowner's land; and

(2) do not affect the existence of common law defenses or other defenses to liability under the rule of capture.

(c) Nothing [The ownership and rights of the owners of the land and their lessees and assigns in groundwater are hereby recognized, and nothing] in this code shall be construed as granting the authority to deprive [depriving] or divest a landowner, including a landowner's lessees, heirs, or assigns, [divesting the owners or their lessees and assigns] of the groundwater ownership and rights described by this section [or rights, except as those rights may be limited or altered by rules promulgated by a district].

(d) This section does not:

(1) prohibit a district from limiting or prohibiting the drilling of a well by a landowner for failure or inability to comply with minimum well spacing or tract size requirements adopted by the district;

(2) affect the ability of a district to regulate groundwater production as authorized under Section 36.113, 36.116, or 36.122 or otherwise under this chapter or a special law governing a district; or

(3) require that a rule adopted by a district allocate to each landowner a proportionate share of available groundwater for production from the aquifer based on the number of acres owned by the landowner [A rule promulgated by a district may not discriminate between owners of land that is irrigated for production and owners of land or their lessees

~~and assigns whose land that was irrigated for production is enrolled or participating in a federal conservation program].~~

(e) This section does not affect the ability to regulate groundwater in any manner authorized under:

(1) Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, for the Edwards Aquifer Authority;

(2) Chapter 8801, Special District Local Laws Code, for the Harris-Galveston Subsidence District; and

(3) Chapter 8834, Special District Local Laws Code, for the Fort Bend Subsidence District.

SECTION 2. Section 36.101, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A district may make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this chapter. *In adopting a rule under this chapter, a district* ~~[During the rulemaking process the board]~~ shall:

(1) consider all groundwater uses and needs;

(2) ~~[and shall]~~ develop rules that ~~[which]~~ are fair and impartial;

(3) consider the groundwater ownership and rights described by Section 36.002;

(4) consider the public interest in conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and in controlling subsidence caused by withdrawal of groundwater from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution;

(5) consider the goals developed as part of the district's management plan under Section 36.1071; and

(6) ~~[and that do]~~ not discriminate between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program.

(a-1) Any rule of a district that discriminates between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program is void.

SECTION 3. This Act takes effect September 1, 2011.

Passed the Senate on March 30, 2011: Yeas 28, Nays 3; the Senate concurred in House amendments on May 27, 2011: Yeas 30, Nays 1; passed the House, with amendments, on May 24, 2011: Yeas 147, Nays 0, two present not voting.

Approved June 17, 2011.

Effective September 1, 2011.

CHAPTER 1208

S.B. No. 350

AN ACT

relating to the restructuring of fund obligations and accounts of the Texas Municipal Retirement System and related actuarial and accounting procedures.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 851.001, Government Code, is amended by amending Subdivisions (1) and (16) and adding Subdivision (20) to read as follows: